

Message Text

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FROM: LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: SIT REP JUNE 20

1. COMMITTEE I. MINISTER EVENSEN (NORWAY) RESUMED DE FACTO LEADERSHIP OF COMMITTEE I AFTER A WEEK'S ABSENCE. HE ANNOUNCED HIS INTENTION TO BEGIN CIRCULATING JUNE 21 SUGGESTED COMPROMISE TEXTS FOR THE ASSEMBLY/COUNCIL MACHINERY (ARTICLES 24, 25, 26, 27), BASING HIS PROPOSALS ON THE DISCUSSIONS OF THE PREVIOUS WEEK. SUGGESTED REVISIONS TO ANNEX II (STATUTE OF THE ENTERPRISE) WILL ALSO BE DISTRIBUTED LATER IN THE WEEK. EVENSEN PLANS TO HOLD A SECOND ROUND OF TALKS, BASED ON HIS REVISED TEXT, ON JUNE 23 - 24. THESE NEW TEXTS, TOGETHER WITH HIS PROPOSED ARTICLES ON THE SEA BED REGIME WHICH WERE PREPARED IN THE FIRST THREE WEEKS, WILL FORM THE BASIS OF THE COMMITTEE I INPUT TO PRESIDENT AMERASINGHE'S PLANNED NEW CONSOLIDATED TEXT.

2. DISCUSSION IN COMMITTEE I ON JUNE 20 FOCUSED ON THE STATUTE OF LIMITED OFFICIAL USE

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THE ENTERPRISE (ANNEX II). PERU (DESOTO), SPEAKING FOR THE G-77, PROPOSED A REDUCTION IN THE MEMBERSHIP OF THE BOARD OF GOVERNORS FROM 36 TO 15. THE US AND MOST OTHER INDUSTRIAL COUNTRIES AGREED WITH THAT SUGGESTION, WHICH WOULD ENHANCE THE ENTERPRISE'S EFFICIENCY.

3. THE SUBJECT OF PRIVILEGES AND IMMUNITIES FOR THE ENTERPRISE

ENLIVENED THE DAY'S DEBATE. THE US (DARMAN) EXPRESSED RESERVATIONS ABOUT THE ANNEX II TREATMENT OF THE ENTERPRISE AS TANTAMOUNT TO AN INTERNATIONAL ORGANIZATION. THIS APPROACH, DARMAN SAID, SEEMED INCONSISTENT WITH GENERAL SENTIMENT EXPRESSED IN THE MEETING THAT THE ENTERPRISE SHOULD BE REGARDED AS AN ANTONOMOUS ORGAN OF THE AUTHORITY, WITH A BASICALLY COMMERCIAL FUNCTION. AS A RESULT, THE US HAS "DIFFICULTY" ACCEPTING THE BROAD EXEMPTION FOR THE ENTERPRISE FROM EXPROPRIATION, TAXATION AND OTHER LEGISLATIVE OR EXECUTIVE ACTIONS OF NATIONAL GOVERNMENTS. THE UK, FRANCE, NETHERLANDS, FRG, AND AUSTRALIA SUPPORTED THE US.

4. DEVELOPING COUNTRIES DEFENDED THE IMMUNITIES IN ANNEX II (PARA. 9). INDIA (JAGOTA), SRI LANKA (PINTO), JAMICA (RATTRAY) AND NIGERIA PERCEIVE THE ENTERPRISE AS A UNIQUE ORGANIZATION, STANDING BETWEEN A PURE BUSINESS VENTURE AND AN INTERNATIONAL AGENCY. THEY REGARD IDENTIFICATION OF THE ENTERPRISE WITH AN ORDINARY COMMERCIAL OPERATION AS OFFENSIVE, BECAUSE THE ENTERPRISE WILL SERVE THE COMMON INTERESTS OF MANKIND AS OPPOSED TO NARROW BUSINESS INTERESTS. IN ADDITION, THEY WORRY ABOUT NATIONAL GOVERNMENTS (PRESUMABLY INCLUDING DEVELOPING COUNTRIES) ABUSING OR DISCRIMINATING AGAINST THE ENTERPRISE IF PROPOSED IMMUNITIES WERE NOT IN EFFECT. CHILE (ORREGO) TRIED TO DISAGREE WITH THE PREVAILING LDC VIEW WITHOUT APPEARING TO DO SO. ORREGO SAID HE WOULD PREFER THAT THE ENTERPRISE ENJOY THE SAME PRIVILEGES SPECIFIED FOR THE AUTHORITY IN THE CONVENTION. THOSE INCLUDE NORMAL DIPLOMATIC PRIVILEGES BUT NOT TAX EXEMPTION FOR THE ENTERPRISE. THE CHILEAN LIMITED OFFICIAL USE

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POSITION PROBABLY DERIVES FROM ITS STATUS AS A LAND-BASED COPPER PRODUCER AND POTENTIAL HOST COUNTRY FOR A SEA BED MINERAL PROCESSING PLANT.

5. COMMITTEE II, THE CANADIAN AND SPANISH AMENDMENTS TO ARTICLES 62 AND 71 INTRODUCED DURING THE LAST MEETING OF CONSULTATIVE GROUP III (DELIMITATION) GAINED EXPECTED SUPPORT FROM THE PROPONENTS OF EQUIDISTANCE. EXPRESSIONS OF SUPPORT COME FROM: CHILE, GREECE, JAPAN, MALTA, COLOMBIA, DENMARK, THE REPUBLIC OF KOREA (SPANISH AMENDMENT ONLY), UK, SWEDEN, AND CYPRUS (WITH MINOR RESERVATIONS AND REVISIONS). ARGENTINA, ALTHOUGH AN ADHERENT OF THE PRINCIPLES OF EQUITY/RELEVANT CIRCUMSTANCES, ALSO EXPRESSED ITS SUPPORT FOR THE PRINCIPLE OF DISPUTE SETTLEMENT CONTAINED IN THE SPANISH AMENDMENT. PREDICTABLY, TURKEY, VENEZUELA, AND IRELAND, ALL OPPOSED TO THE PRIMACY OF EQUIDISTANCE VOICED THEIR OPPOSITION TO THE PROPOSED AMENDMENTS. THUS, THE BASIS OF ACCOMODATION AND CONSENSUS ON THE ISSUE OF DELIMITATION CONTINUES TO BE ELUSIVE.

6. COMMITTEE III. MARINE POLLUTION. THE VALLARTA WORKING GROUP CONTINUED ITS DISCUSSION OF PROPOSED AMENDMENTS TO ARTICLE 30, FOCUSING PRIMARILY ON ARTICLE 30(5), WHICH PROVIDES

COASTAL STATE INSPECTION RIGHTS OF VESSELS IN THE ECONOMIC ZONE.
INDIA, AUSTRALIA AND THE USSR REPEATEDLY URGED THAT ARTICLE 30 AS
A WHOLE REPRESENTED A DELICATE BALANCE OF THE RIGHTS AND DUTIES OF
FLAG AND COASTAL STATES AND OUGHT TO BE ACCEPTED AS IS WITH ONLY
MINOR DRAFTING AMENDMENTS. HOWEVER, CANADA REJECTED SUGGESTIONS
THAT IT WITHDRAW ITS PROPOSAL AIMED AT PROVIDING COASTAL STATE
ENFORCEMENT UNDER ARTICLE 30(5) IN SITUATIONS IN WHICH THE
VIOLATION "POSES A GRAVE AND IMMINENT DANGER" OF SUBSTANTIAL
DISCHARGE AND SIGNIFICANT POLLUTION. CANADA WAS SUPPORTED BY
PAKISTAN, TRINIDAD-TOBAGO, SENEGAL AND OPPOSED BY GREECE, THE
UNITED KINGDOM, THE USSR, INDIA, AUSTRALIA, LIBERIA AND
ARGENTINA. A SPANISH AMENDMENT TO EXPAND COASTAL STATE RIGHTS BY
DELETING "AND SIGNIFICANT POLLUTION OF THE MARINE ENVIRONMENT" IN
ARTICLE 30(5) WAS SUPPORTED BY FRANCE AND OPPOSED BY INDIA.
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RESOLUTION OF THE IMPASSE ON ARTICLE 30(5) WILL BE SOUGHT AT AN
INFORMAL MEETING OF A SMALLER WORKING GROUP.

7. IT IS UNDERSTOOD THAT THE CHAIRMEN OF COMMITTEE II AND III
WILL MEET WITH THE PRESIDENT OF THE CONFERENCE TO AGREE ON
COORDINATION PROCEDURES TO DEAL WITH THE PROBLEM OF COASTAL
STATE JURISDICTION REGARDING STANDARD SETTING IN THE T.S.
CONTAINED IN ARTICLE 20(2) OF PART II OF THE RSNT.
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